1890-010 Chancery Causes: William H. Caywood vs. Mary E. Caywood
Lee Co.

Wilbourne, Engle, Russell, Hounshell, Milham, Quinley,
Howard, Rose, Hill, Ewing, McDonald

CA-Divorce
T-Vices

To the Hon. H. S. K. Morison, Judge of the Circuit Court for Ku County:

Humbly, Complaining your orator Wm. H. Caywood would respectively represent unto your Honor:

That in the year 1887 he married one Mary E. Hilbourne and with whom he lived until a few weeks ago; that on or about the night of the 8th day of July, 1890, to your orators great grief and surprise his said wife eloped with another married man; that since she has left, he is informed and alleges that for some time before her departure, she had been enamoured of other men and was guilty of adultery; that her adulterous acts were committed without the procurement or connivance of your orator; and that he has never lived with or in any way condoned her said offence or cohabited with her since he had information of her adulterous acts. *

Your orator now alleges, avers and charges that his said wife has been guilty of adultery by having sexual intercourse with other men than your orator within the last five years and without the procurement or connivance of your orator.

Your orator will further represent and aver that the said Mary E. Caywood is a non-resident of this State.

* Your orator alleges and avers that he has been a resident of this State for more than a year.

The premises considered your orator humbly prays that your honor take cognizance of his said wrongs and injuries, and grant him a decree, annulling, setting aside and vacating said marriage contract existing between your orator and the said Mary E. Caywood; that is, your orator be deemed a divorce a vinculo matrimoni; that Mary E. Caywood be made a party defendant to this bill of complaint, and be required to fully, completely and perfectly answer the same on oath; that an order of publication be made against the said Mary E. as the law requires for non-resident defendants; and that such other further and general relief as the nature of his cause may demand be granted him. May process issue &c. And he will ever pray &c

E. W. Pennington p. q.

(E.H.P.)

C 7.66
Comm'r 4.80
J.P. 2.25
Pr 10.00
A 15.00
$39.71
5.00 for Orp. to E.H.P.
$41.71

Wm. H. Caywood

vs. } Bill for Divorce

Mary E. Caywood

1890 July 17 Bill filed
Sum Not Ed, order
Pub. & Continued
" 1st Aug. Rules Cont'd
" 2 " " Rules order
Pub Completed & Cause
set for hearing by P&H
" Sept Term Decree
Final
1880 to 90
C

Wm. H. Caywood Complt.
vs. } In Chancery
Mary E. Caywood Deft.

This cause came this day to be heard upon the bill of the complt. and the depositions of witnesses; and it appearing to the court that an order of publication has been duly made against said Deft., and she doth still fail to appear, answer or plead, on consideration of all which and for reasons appearing to the court, it is adjudged ordered and decreed that the bonds of matrimony heretofore existing between said plaintiff and defendant be and are hereby dissolved and forever annulled. It is further adjudged, ordered and decreed that said deft. be ~~forever~~ restrained and inhibited from again contracting marriage, and that said plaintiff recover from said deft. his costs in this suit and for the collection of which execution may issue. And this cause is stricken from the docket.

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708

Wm H. Cayward

vs. } Decree final

Mary E. Cayward

Entd Chay O.B.
pages 274-5.
Sept. 2 1890.
J. Blg Hyatt e

111
605
716

Entered this
Sept 2 1889.
H A Scott

The depositions of Alexander Engle taken at the clerk's office of the circuit court on the 1st day of August 1890, which when taken are intended to be read as evidence on behalf of Wm. H. Caywood the Plaintiff in the Chancery Cause of said Wm. H. Caywood vs Mary E. Caywood now pending in the circuit Court for Lee County Va.

Said Alexander Engle a witness of lawful age being duly sworn deposes as follows

Ques 1 By Plaintiff

Were you acquainted with the said Mary E. Caywood, and if so how long had you known her?

Ans. I am acquainted with Mary E. Caywood, the Deft in this cause and have known her for the past five years.

Ques. 2. Are you acquainted with the said plaintiff and where has he resided for the last year?

Ans. I am acquainted with Wm. H. Caywood ever since I can remember I am now

22 years old - I have lived with him and near to him all my life, and all this time he has lived and now lives in this County and State.

Ques. 3. Please state, if you know, whether the said deft. has had sexual intercourse with any other than her said husband, since her marriage with the said plaintiff.

Ans. - I on a certain occasion, about two months ago, went in company with V. D. Rose to the house of Wm. H. Haywood, said William H. was not at home, we were drinking and had whiskey with us, soon after we arrived said V. D. Rose asked me to give Mary E. Haywood a drink which I did, and she drank I faired to be drunk, and V. D. Rose whispered to the said Mary E. Haywood, after which they both went into an other room after some time I went around to the window of the room

where they was, and I saw him V. D. Rose getting off of Mary E. Laywood, they were on a bed and he was getting off of her, when I looked in at the window, on an other occasion about one week after the first occasion mentioned I went in company with the said V. D. Rose to the house of said Wm. H. Laywood, and a lot of small boys were there, and said Rose asked me to go out to a pond with the boys, after some time me and the boys went to the pond and he went into the house with the said Mary E. Laywood, no one else was in the house with them - after a short time I returned to the house and he came to the door, I did not see the said Left, I then asked him to lets go to which he agreed and we went off. these are the only times I ever observed any misconduct out of the said Mary E. Laywood

Ques. 4. When did you first communicate these facts just detailed to Mr. Caywood, and has he lived with the said Mary since?

Ans. A few days after I learned that said V. D. Rose and Mary E. Caywood eloped together, I informed said Wm. H. Caywood of what I had seen of their badness. He has not lived with said Mary since I informed him. She is not in the country.

Ques. 5. Were these acts of which you speak, brought about by the procurement or connivance of the said Wm. H. Caywood?

Ans. I dont think they were, nor do I suppose said Wm. H. Caywood knew any thing of it. And further this witness saith not.

Alexander his X mark Inglo

Virginia

Lee County, to wit:

I, J. A. G. Hyatt Clerk of the Circuit Court for said County & State, do hereby certify that the foregoing depositions of Alexander Engle were duly taken sworn to and subscribed before me at the time and place and for the purposes therein mentioned. Given under my hand this the 1st day of August, 1898

J. A. G. Hyatt C.

Wm. H. Caywood
vs
Libel
Mary E. Caywood

Filed Aug. 1st 1890.
J. A. S. Hyatt C

Costs fee $1.50.

TO MARY E. CAYWOOD:

TAKE NOTICE, That I on the 15th day of Aug. 1890, at the residence of N. M. Scott in Lee County, Va., will proceed to take the deposition of Alex. Ingle and others which, when taken, I intend to be read as evidence on my behalf in a certain suit in chancery now pending in the circuit court of Lee county State of Va., in which I am plaintiff and you the said Mary E. Caywood is Deft.

And if from any cause the same be not commenced, or if commenced, be not concluded on that day, the taking thereof will be adjourned from time to time, and from place to place, until completed.

17, day of July 1890. Very Resp't'y.

WM. H. CAYWOOD.

wine, on the [illegible] green carpet would unobtrusive look equally well with a yellow a pink and a green room. There is a quaint concett gaining ground now of having your bedrooms named after some particular flower, such as a "rose" room, a pretty floral paper, with roses and forget-me-nots introduced, cretonne to match, and even the ware "powdered" with rosebuds, while the carpet would be [illegible] the foliage

1 The depositions of Alexander Dugle and others, taken before me N. M. Scott, a Justice of the peace for the County of Lee pursuant to the Notice hereto annexed at the residence of said Scott in Lee County on the 15th day of August, 1890, to be read as evidence in behalf of Wm. H. Caywood in a certain suit in Chancery defendinging in the Circuit Court of Lee County, Va., wherein Mary E. Caywood is defendant and the said Wm. H. Caywood is plaintiff

The witness Alex Dugle after being duly sworn deposes as follows:

Ques. 1 By Plaintiff

I am acquainted with Mary E. Caywood the Deft in this cause and have known her for the past five years. I am also acquainted with Wm. H. Caywood the plaintiff in this cause and have known him ever since I can remember, & I am now 22 years old. He is now

and has been ever since I can remember a citizen of this county

On a certain occasion, about two months ago I went in company with V. D. Rose to the house of the said Wm. H. Caywood; we were drinking a little and had some whiskey with us. Soon after we got there said Rose asked me to give the said Mary E. Caywood a drink of whiskey which I did and she drank. I suspicioned something wrong, so I feigned to be drunk and said Rose whispered something to her after which they both went out into another room. After they had been in said room some time I went around to a window of the room where they were, and I saw said Rose getting off of said Mary E. Caywood They were on a bed. On another occasion about a week after the first occasion mentioned, I again went in company with the same V. D. Rose to the house of the said Wm. H. Caywood and a lot of small boys were there. Said

Rose asked me to go out to a pond near by with said boys. After a little while me and said boys went to the pond and Rose and the said Mary went into the house together. No one was in the house at the time, except said parties. Said Wm. H. Caywood was not at home on either of said occasions. These are the only times I ever observed any misconduct on the part of the said Mary. A few days after I had heard of the elopement of the said Mary with said Rose, I informed said Wm. H. Caywood of what I had seen of said Mary's hardness. She has not lived with said Mary since I informed him of these facts. She is now out of the country. I do not think that these acts above detailed were brought about by the procurement or connivance of the said plaintiff, for he had no means of knowing any thing about them. And further this witness saith not.

his
Alexander ✗ Ingle
mark

Jam Russell another witness of lawful age after being duly sworn deposes as follows

Ques. 1 Please state if you ever saw any improper conduct on the part of the said Mary E. Caywood, if so please state what it was and when -

Ans. On a certain occasion about two or three months ago I went to milk and Mrs. Caywood milked at the same place. While we were milking V. D. Rae came, and after I had finished milking, Mrs. Caywood asking me to leave which I did, She stated to me then that she did not marry Mr. Caywood for love, but for what he had. The last I saw of them they were sitting on a form side by side and close to each other. After I left them they were all alone. I do not think that this act was brought about the procurement or connivance of said Wm. H. Caywood This milking place was some 400 yds from the house and out of sight of it. Mr. Cay-

6 wood now lives and has lived in Lee County for more than a year prior to July 1st 1890.

Lou Emma Hounshell (her maiden name Russell) another witness of lawful age after being duly sworn deposes and saith:

That about twelve months ago, said Mary E. Caywood, in a conversation with me, told me that Mr. Caywood was not the man that was intended for her, and if she could not get a Mr. John Hunsey she would never die satisfied. She said she never cared any thing for Mr. Caywood, that it was ~~&~~ what he had that she married him for. and I understood her to mean and refer to his property when she said it was what he had that induced her to marry him. I never told Mr. Caywood about this until after his wife had run off. About eight months ago I saw said Mary winking at Mr. Hunsey at a burial. & further this witness saith not.

Lou Emma Hounshell.

Wm. J. Milham another witness of lawful age after being duly sworn deposes and saith:

That within the last twelve months and since the marriage of said plaintiff and deft to each other, I know of said Mary E. Caywood at various times meeting men out in the woods by agreement and at such places I have seen other men than her husband have their arms around her. That about the night of the 8th or 9th of July last, I know that the said Mary left her husband & went away in company with one V. D. Rose. All these acts were not brought about by the procurement or connivance of the said Wm. H. Caywood. I did not tell him anything about these assignations until after his wife had left him. And further this deponent saith not.

W. J. Milham

F. A. Quinley another witness of lawful age after being duly sworn deposes as follows:

That about a month ago the said Mary E. Caywood left her husband and in the night-time went, to my knowledge, some six or seven miles in company with Wm. Rose and a Mr. Milham, She rode behind said parties taking it time about in riding. I heard her say she was going to an uncles of hers, but I do not know where he lived. Further this witness sith not.

F. A. Quinley

J. M. Howard another witness of lawful age after being duly sworn deposes as follows:

That about the last of May or the 1st of June 1890 I saw the said Mary E. Caywood go into the house with John Nunsey and stay some thing like a quarter of an hour. No one was in this house. After they had come out Nun-

got on his horse & left, and Mrs. Caywood discovered me and then asked me to say nothing of what I had seen. After this I talked to said Mary and found out enough to know that she was not a virtuous woman. I never communicated these facts to the said plaintiff until after his said wife had run off & left him. And further this deponent saith not.

J. M. his X mark Howard

Stanley Hill another witness of lawful age after being duly sworn deposes as follows:

That something like a year ago a gentleman gave me a letter to give Mrs. Mary E. Caywood. She got said letter and showed it to me. The letter stated that he wanted to see her and talk with her. Mrs. Caywood was not offended on the receipt of this letter. She seemed to take it all

9- night. She told me to tell this gentleman that she would meet him the next day at a house some ½ mile from Mr. Caywood's house to get a brass kettle to make peach butter. Afterwards I heard this man say he saw Mrs Caywood at said place. I have not seen this man for some time. I have heard that he was scouting on account of an indictment against him. I never told Mrs. Caywood about this affair until after she had left him. And further this deponent saith not. Hezley Hill

Lizzie Ewing (colored) another witness of lawful age after being duly sworn deposes & saith That sometime in April or May 1890 the said Mary E. Caywood came to my house, saying she

she came to get me to help her make some soap. Pretty soon after she came, a gentleman came, and they both went off into my kitchen and stayed all alone about an hour, but what they did I do not know. Then about two weeks after the above occurrence the same gentleman came to my house and asked me to go to Mr. Caywoods and tell Mrs. Mary E. Caywood to come to my house as he had a handkerchief to give her. I went to Mrs. Caywood's and told her what the gentleman said and she did come to my house and she and said gentleman went into my kitchen and stayed with him all alone some two hours. After she and he went into said kitchen and she Mrs. Caywood, asked me to close the door which I did. But what they did or said in

this kitchen I do not know. After this she told me she was going to leave her husband as she did not love him.

I never told Mr. Wm. H. Caywood of these matters until after his said wife had run off and left him, which was about a month ago. Mr. Caywood has not lived with the said Mary E. Caywood since ~~she~~ she left him ~~was~~ since ~~at~~ I told ~~him~~ of this affair. Mr. Caywood treats his wife well. I was about his house a good deal

And further this deponent saith not.

Lizzie her + mark Ewing

Virginia, Lee County, to wit:

I, N. M. Scott, a justice of the peace for the county and State aforesaid do hereby certify that the foregoing depositions of Alex. Engle, Jane Russell, Lou Emma Hammsell, Wm. J. Milhan, F. A. Quinley, J. M. Howard, Henly Hill and Lizzie Ewing were duly taken, sworn to and subscribed before me at the time and

Wm. H. Caywood

vs } Decr.

Mary I. Caywood

Filed Aug. 16th 1890.
J. A. S. Hyatt C

J. P. Fee $2.25

Please enter for the Plaintiff Divorce as prayed for in petition herein.
Given under my hand this 15th day of Aug. 1890.
H. B. Scott Judge

The deposition of

Taken at the residence of W. L. Scott in Lee County on the 22nd day of August 1890 before me N. M. Scott a Justice of the peace in and for said County and State on the 22d day of August 1890 to be read as evidence in behalf of William H. Haywood in a chancery Suit now pending in the Circuit Court of Lee County Virginia in which William H Haywood is plantiff and Mary E Haywood is defendant

Present

John McDonald a witness of Lawfull age after being duly Sworn deposeth and saith that he was acquainted with Mary Elleywood & says that Mary Elleywood was not a virtuous woman and that he has seed & knows a naught & a bought her to know that she is not virtuous and had committed adullery since they and W H Haywoods marriage and I have Know Mary Elleywood for several years, and further this deponant saith not

J. W. McDonald

Virginia Lee County To wit

I N. M. Scott a Justice of the peace duly Commisioned and qualifyed in and for said County and State do certify that the foregoing deposition of J W McDonald were duly taken and Sworn to and subscribed before me at the time and place above stated in the Caption. Given under my hand this 22nd day of August 1890

N. M. Scott J. P.

Wm H. Cayewood
vs } Libel
Mary E. Cayewood

Recd from J. P. Lefore whom taken and filed Sept 1st 1872
J. A. L. Wyatt C

Wm. H. Caywood
vs
Mary E. Caywood } In Chancery

This is to certify that Wm. H. Caywood personally appeared before me in my office and made oath that he is informed and believes that Mary E. Caywood the deft. in the above styled cause is a non resident of this State. Given under my hand this the 16th day of July, 1890.

J. A. S. Hyatt Clerk

Wm. H. Caywood

vs } Affidavit

Mary E. Caywood

Filed July 17, 1890.

J. A. Hyatt

In the Clerk's Office of the Circuit Court of the County of Lee on the 17th day of July 1890.

William H. Caywood Plaintiff
against
Mary E. Caywood Defendant
} In Chancery

The object of this suit is to obtain a divorce from the bonds of matrimony now existing between the Pltff, and Defendant

And an affidavit having been made and filed that the defendant Mary E. Caywood is not a resident of the State of Virginia, it is ordered that she do appear here, within fifteen days after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is further ordered that a copy hereof be published once a week for four week's in some newspaper, and that a copy be forthwith posted at the front door of the court-house of this county. ~~And she will further take notice that the Pltff now above styled~~ A copy Teste:

E. W. Pennington p. q. J. A. G. Hyatt Clerk.

To Mary E. Caywood:

TAKE NOTICE, That I on the 15th day of Aug., 1890, at the residence of N. M. Scott in Lee County, Va

will proceed to take the deposition of Alex. Engle and others

which, when taken, I intended to be read as evidence on my behalf in a certain suit in Chancery now pending in the Circuit Court of Lee County, State of Va, in which I am plaintiff and you the said Mary E. Caywood is defendant.

And if from any cause the same be not commenced, or if commenced, be not concluded on that day, the taking thereof will be adjourned from time to time, and from place to place, until completed.

17th day of July, 1890.

Very Respectfully,

Wm H. Caywood.

Wm. H. Caywood
vs } Order Pub
Mary E. Caywood

I certify that I delivered to the Lee Co., Republican, an appointed copy of this order for pub and posted a like copy thereof on the front door of Lee Court house on the 1st day of Aug, County Court 1890.

J. A. G. Hyatt C.C.

VIRGINIA:—In the Clerk's Office of the Circuit Court of the County of Lee on the 17th day of July 1890.

Wm. H. Caywood Pltf
vs. } In Cha'y.
Mary E. Caywood Deft.

The object of this suit is to obtain a divorce from the bonds of matrimony now existing between the Pltf and Defendant

And an affidavit having been made and filed that the defendant Mary E. Caywood is not a resident of the State of Virginia, it is ordered that she do appear here within 15 days after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in some newspaper, and that a copy be forthwith posted at the front door of the court house of this county.

A copy—Teste:

J. A. G. HYATT, Clerk.

E. W. PENNINGTON, p. q. 2 50

TO MARY E. CAYWOOD:

TAKE NOTICE, That I on the 15th day of Aug. 1890, at the residence of N. M. Scott in Lee County, Va., will proceed to take the deposition of Alex. Ingle and others which, when taken, I intend to be read as evidence on my behalf in a certain suit in chancery now pending in the circuit court of Lee county State of Va., in which I am plaintiff and you the said Mary E. Caywood is Deft.

And if from any cause the same be not commenced, or if commenced, be not concluded on that day, the taking thereof will be adjourned from time to time, and from place to place, until completed.

17, day of July 1890. Very Resp't'y.

WM. H. CAYWOOD.

I, Robert Bolin Pub. of the Lee County Republican do hereby certify that the order and notice hereto attached was duly published in the above named paper for four consecutive weeks ending Aug. 17th 1890.

R. L. Bolin.
Pub

Wm. H. Caywood

vs } Deb. Certif

N. Jane Caywood

Filed Aug. 17 1890

J. A. G. Hyatt C

Deb fee $10.00